

**BEFORE THE STATE FIRE PREVENTION COMMISSION
OF THE STATE OF DELAWARE**

IN RE: ROCASHON E. MURPHY)
)
EMT I.D. NO.: 2118765)
) CASE NO.: 1612

NATURE OF THE PROCEEDINGS

Pursuant to due notice, a hearing was held before the Delaware State Fire Prevention Commission on April 18, 2017, concerning a disciplinary complaint against Rocshon E. Murphy. In the Complaint, the State of Delaware alleged that Mr. Murphy violated the provisions of 16 *Del. C.* § 6712 and Part 710 Section 7.1.6.2 of the Commission Regulations in that he did not complete any patient care reports between July 3, 2016 and August 18, 2016; Section 7.1.6.3 in that he did not make reasonable attempts to enter his reports electronically and forward them to the State EMS Office, as required; and Section 14.4.1.6 in that this conduct is unprofessional.

Angeline Kogut, Deputy Attorney General, presented the State's case. Mr. Murphy did not appear. Patricia Davis, Deputy Attorney General, advised the Commission.

SUMMARY OF THE EVIDENCE

In addition to live testimony, the following documents were introduced and made part of the record:

State Exhibit 1, consisting of a copy of the State's complaint filed against Mr. Murphy with the State Fire Prevention Commission.

State Exhibit 2, consisting of a redacted list of 24 separate patient reports that were not completed.

State Exhibit 3, consisting of a September 6, 2016 letter to Mr. Murphy from Mr. Dave Truax, altering Mr. Murphy that he had outstanding patient reports that needed to be submitted

within the next thirty days, the “green card” indicating this letter was received on September 9, 2016, and an October 24, 2016 e-mail from Mr. Truax to Mr. Murphy indicating that the patient reports were still not submitted, and that if they were not submitted on or before November 1, 2016, further action would be brought before the Commission.

State Exhibit 4, consisting of the March 24, 2017 notice of hearing letter sent to Mr. Murphy.

The State called Ms. Sherry Lambertson as its first witness. After being sworn, Ms. Lambertson testified that she is employed as the Executive Director for the State Fire Prevention Commission. She is involved in oversight of the day to day activities of the Commission. She has held this position for twenty years. In order to notify Mr. Murphy of today’s hearing, Ms. Lambertson testified that she sent notice of the hearing by certified and regular mail to the address Mr. Murphy provided to the State Fire School. All certificate holders are required to keep their addresses up to date with the State Fire School.

Mr. Justin Ayres was the State’s second witness. Mr. Ayres is currently employed by Mid-Atlantic Care. He is the Director of Operations and has held this position for approximately three years. Mr. Ayres knows Mr. Murphy because Mr. Murphy was a prior employee of Mid-Atlantic Care, working as an EMT. As an EMT, Mr. Murphy was required to complete a DEMRS report for every run he went on. Mr. Murphy’s reporting problems started in June or July of 2016. Mid-Atlantic kept track of the reports that Mr. Murphy was not doing the DEMRS reports that were not completed, in order to give Mr. Murphy an opportunity to complete the missing reports. States’ Exhibit 2 consists of the 24 runs that Mr. Murphy completed from July 13, 2016 to August 18, 2016. It is Mid-Atlantic’s policy to pull in EMT’s that are getting reports done in the requisite four hours after a run. Mid-Atlantic did that with Mr. Murphy here, and there were no extenuating

circumstances that would excuse Mr. Murphy's failure to complete his run reports. In fact, Mr. Murphy offered no reason why his reports were not done on time. Ultimately, Mr. Murphy was terminated from Mid-Atlantic, approximately in August of 2016. After leaving his employment, Mr. Ayres contacted Mr. Murphy to ask him to come in to complete his reports. Mr. Murphy did report to Mid-Atlantic after his termination, but he did not complete any reports that day. Mr. Ayres believes that Mr. Murphy is currently pursuing a career in commercial trucking.

Upon questioning from the Commission, Mr. Ayres indicated that Mr. Murphy was counseled about his ability to complete reports on time, but Mid-Atlantic was very short-handed at the time and could not afford to pull him from runs.

The State called Dave Truax as its witness. Mr. Truax was sworn and testified that he is employed by the Delaware State Fire Commission as a compliance officer and investigator. In that capacity, he inspects ambulances in the state for compliance with regulations and investigates complaints. In this matter, Mr. Truax conducted an investigation after he received a telephone call from Brandy Elliot, at Mid-Atlantic Ambulance, who reported that Mr. Murphy had outstanding DEMRS reports. Mr. Truax advised Ms. Elliot to try and get Mr. Murphy to complete the outstanding reports, and she indicated that she would. Ultimately, Mr. Murphy did not complete the outstanding reports. Mr. Truax referred to the State BLS Protocols that requires EMTs to submit run reports within four hours of patient disposition.

Mr. Truax identified the September 6, 2016 letter included in State's Exhibit 3 as a letter he wrote to Mr. Murphy informing him that outstanding reports had to be completed within 30 days of the date of that letter, or Mr. Murphy could face disciplinary action. Mr. Truax then followed up with a phone call, and an e-mail to Mr. Murphy reiterating this position. Page three of the State's Exhibit 3 is the e-mail Mr. Truax sent to Mr. Murphy on October 24, 2016, advising

Mr. Murphy that if outstanding run reports were not completed by November 1, 2016, “a complaint will be opened and taken before the State Fire Prevention Commission for their proper action on the matter.” Subsequent to sending this e-mail, Mr. Truax again spoke with Ms. Elliot, who confirmed that Mr. Murphy still had not completed his outstanding reports, and indicated she suspected he would not do so as he no longer desired to work as an EMT.

Upon questioning from the Commission, Mr. Truax indicated that Mid-Atlantic did not have any documentation of its repeated attempts to get Mr. Murphy to complete his outstanding reports, Mr. Truax relied on Ms. Elliot’s verbal representations.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having been afforded all appropriate notice and choosing not to appear, the Commission finds that due process has been afforded in this matter. The Commission finds as a matter of fact that from July 3, 2016 to August 18, 2016, Mr. Murphy attended to 24 ambulance runs and did not complete any of the requisite patient reports. In reaching this finding, the Commission relies on the testimony of Mr. Ayers, Mr. Truax, and the State’s Exhibit 2.

Therefore, the Commission concludes as a matter of law that Mr. Murphy has violated the Commission Regulation 710, Section 7.1.6.2 which provides that “EMTs shall complete, without exception, a computer report or written report on each patient contact. Reports shall be completed within the time frame described in the most current State of Delaware BLS Protocols” as well as Section 7.1.6.3 which provides that “[w]hen available, all reasonable attempts shall be made to enter the report electronically and forward it to the state EMS office.” Due to these two violations of the Commission’s regulations, the Commission further finds Mr. Murphy engaged in unprofessional conduct, which pursuant to Section 14.4.1.6 can serve as a basis for loss of his EMT Certification.

Here, Mr. Murphy has clearly failed to comply with the reporting requirements of the Commission regulations. This failure assuredly caused financial issues for his employer, but more importantly, is unfair to the patient. Mr. Murphy failed to comply with the BLS Protocols, failed to comply with the Commission's regulations, and his failure is unfair and could have been dangerous, to his patients. In light of this serious transgression, the Commission finds that permanent revocation is the appropriate discipline, and necessary to protect the public.

IT IS SO ORDERED, this 16th day of May, 2017:



David J. Roberts, Chairman



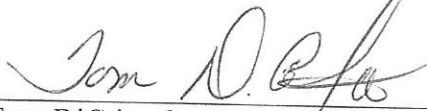
Alan Robinson, Vice Chairman



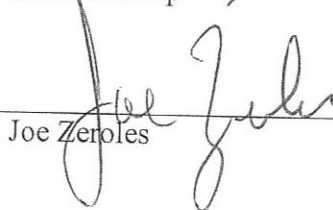
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